

REMARKS

I. Double Patenting

Claims 5-17 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 7,068,164. Applicant has filed herewith a Terminal Disclaimer obviating the double patenting rejection.

II. 35 U.S.C. § 102

Claims 5-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,806,847 to Nixon. These rejections are overcome as claims 5, 9, 14 and 16 have been amended.

"Anticipation requires the disclosure in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). As set forth below, Nixon fails to expressly or inherently disclose at least one element recited in each of the amended independent claims.

Independent claims 5, 9, 13, 14 and 16 have been amended to recite multiple personality modules with each personality module interacting with one or more distinct field devices. In other words, a system may comprise a pair of personality modules with each personality module being assigned three distinct field devices. Moreover, a personality manager for each personality module controls input and output to and from the assigned field devices. Fig. 2 of the present application provides an overview of the system as now claimed.

In contrast, Nixon discloses a module or software routine (deemed a personality module by the Examiner) which (based on the Examiner's interpretation of Nixon) would act to control all field devices. That is, there is no disclosure of separate personality modules that are assigned groups of one or more separate field devices. Separating the personality modules and field devices into assigned groups provides a more modular system such that failure of one portion (e.g. personality module) does not interrupt the

entire facilities management system. Moreover, new logic scripts entered by users are parsed only to the appropriate personality module (i.e., personality manager) for the relevant assigned field devices to which the logic scripts pertain.

Consequently, as Nixon fails to expressly or inherently disclose multiple personality modules with each personality module interacting with one or more distinct field devices, Nixon cannot anticipate independent claims 5, 9, 13, 14 and 16 such that the Section 102 rejection should be withdrawn. Also, since claims 6-8, 10-13, 15 and 17 depend from and further limit amended independent claims 5, 9, 14 and 16, the Section 102 rejection of these claims should also be withdrawn.

III. Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Greenberg Traurig
3773 Howard Hughes Pkwy.
Suite 500 North
Las Vegas, Nevada 89109

Telephone : 702-792-3773
Facsimile : 702 792-9002

Respectfully submitted,

By: _____

Rob L. Phillips
Registration No. 40,305

Date: July 10, 2007